

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA
CHARLESTON DIVISION**

IN RE: BOSTON SCIENTIFIC CORP.]
PELVIC REPAIR SYSTEM]
PRODUCTS LIABILITY LITIGATION]
]
_____]

MDL NO. 2326

**PRETRIAL ORDER # 140
(ORDER APPROVING THE ESTABLISHMENT OF THE
CHARLES JOHNSON LAW FIRM QUALIFIED SETTLEMENT FUND)**

Pending is an Unopposed Motion for Approval of the Establishment of the Charles Johnson Law Firm Qualified Settlement Fund, filed March 3, 2016. [ECF No. 1339]. Law Offices of Charles H. Johnson, P.A., as counsel for certain Plaintiffs in this MDL 2326, have moved the Court for entry of an Order to aid in the efficient processing and administration of a confidential master settlement agreement (the “MSA”) between Law Offices of Charles H. Johnson, P.A. and Boston Scientific Corp. and their related and affiliated entities (“BSC”) as defined in the MSA, (collectively, the “Parties”) to resolve the claims of those certain Plaintiffs against BSC, relating to BSC’s pelvic mesh products.

In particular, the Motion seeks an order (1) approving establishment of the Charles Johnson Law Firm Qualified Settlement Fund, (2) approving the Escrow Agreement (the “Escrow Agreement”), Exhibit A, which provides the rules to operationalize the Settlement Agreement and creates the Charles Johnson Law Firm Settlement Fund; (3) retaining continuing jurisdiction and supervision over the Settlement Agreement; and (4) determining that the Fund for BSC pelvic mesh product settlements, constitutes a “qualified settlement fund” within the meaning of Section 468B of the Internal Revenue Code of 1986, as amended (the “Code”), and its accompanying Treasury Regulations, Treas. Reg. Section 1.468B-1 *et seq.* (the “Regulations”).

Upon the Motion of Plaintiffs, and for good cause shown, the Court hereby **FINDS** and **ORDERS** as follows:

1. The Motion is **GRANTED**.

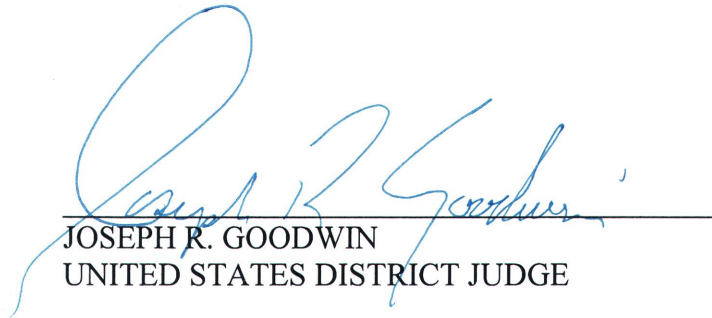
2. Establishment of the Charles Johnson Law Firm Qualified Settlement Fund (the “Fund”) is approved, and the Court retains jurisdiction thereof. The Fund shall be operated in a manner consistent with the rules of Treasury Regulation Section 1.468B-1. The Fund shall remain open to receive settlement amounts consistent with the terms of the Master Settlement Agreement between Law Offices of Charles H. Johnson, P.A. and Defendant, Boston Scientific Corporation and associated entities (“BSC”), subject to approval by BSC, as described in the accompanying Motion.

3. The terms of the Escrow Agreement attached to the accompanying Motion as Exhibit A are approved.

The Court **DIRECTS** the Clerk to file a copy of this order in 2:12-md-2326 and it shall apply to each member related case previously transferred to, removed to, or filed in this district, which includes counsel in all member cases up to and including civil action number 2:16-cv-02146. In cases subsequently filed in this district, a copy of the most recent pretrial order will be provided by the Clerk to counsel appearing in each new action at the time of filing of the complaint. In cases subsequently removed or transferred to this Court, a copy of the most recent pretrial order will be provided by the Clerk to counsel appearing in each new action upon removal or transfer. It shall be the responsibility of the parties to review and abide by all pretrial orders previously entered

by the Court. The orders may be accessed through the CM/ECF system or the Court's website at www.wvsd.uscourts.gov.

ENTER: March 8, 2016



JOSEPH R. GOODWIN
UNITED STATES DISTRICT JUDGE